

CARR FOREST PRODUCTS, INC.,)	AGBCA No. 2002-126-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Keith L. Baker, Esquire)	
William T. Welch, Esquire)	
Barton, Baker, McMahon & Tolle)	
1320 Old Chain Bridge Road, Suite 440)	
McLean, Virginia 22101)	
)	
Representing the Government:)	
)	
Gene Alan Erl, Esquire)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
626 E. Wisconsin Avenue, Suite 601)	
Milwaukee, Wisconsin 53202)	

DECISION OF THE BOARD OF CONTRACT APPEALS

January 18, 2005

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

On April 16, 2002, the Board received a notice of appeal from Carr Forest Products, Inc., of Clarendon, Pennsylvania (purchaser), regarding its contract, No. 03-147991, with the respondent, the U. S. Department of Agriculture, Forest Service (Government). Under the contract (the Grand Valley Re-advertised Timber Sale contract), issued by the Bradford Ranger District of the Allegheny National Forest, the purchaser was to remove timber in Warren and Forest Counties, Pennsylvania. After performance began, operations were suspended; the stated cause for the suspension was the discovery of an endangered species. The suspension period lasted in excess of one year. Thereafter, the purchaser submitted a claim to recover \$162,286.35, seeking relief under the contract, provisions BT8.3 and CT6.01, and under a theory of breach of contract. The contracting officer denied the request for monetary relief. This appeal ensued.

Pursuant to the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613, as amended (CDA), the Board has jurisdiction over this timely-filed appeal. Following the submission of the appeal file, complaint, and answer, the parties engaged in informal discovery as they worked toward resolving the dispute. As stated in a letter received by the Board on January 18, 2005, the parties have entered into a settlement agreement. The contractor has received payment of the agreed-upon sum. The parties request that the Board issue a dismissal with prejudice of this matter.

DECISION

Given the settlement of the dispute and the request of the parties, the Board dismisses with prejudice this appeal.

JOSEPH A. VERGILIO

Administrative Judge

Concurring:

HOWARD A. POLLACK

Administrative Judge

ANNE W. WESTBROOK

Administrative Judge

Issued at Washington, D.C.

January 18, 2005